



**CONFIDENTIAL
FACSIMILE TRANSMISSION**

ATTENTION: Refund Branch
Company: U.S. Patent and Trademark Office

Phone Number: 571-272-6500
Fax Number: 571-273-6500
Date: April 30, 2008

From: Samuel B. Rollins
 Vice President of Intellectual Property
 TransTech Pharma, Inc.
 4170 Mendenhall Oaks Parkway
 High Point, NC 27265
 Fax: (336) 841-0300
 Phone: (336) 841-0300 Ext. 159

Number of pages including this one: 5.

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain information from TransTech Pharma, Inc., which is confidential and/or legally privileged. This information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, or employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or talking of any action in reliance on the contents of this facsimile information is strictly prohibited, and that the documents should be returned to TransTech Pharma immediately. If you have received this facsimile in error, please notify the sender by telephone so that we may arrange for the return of the communication to us at our expense.

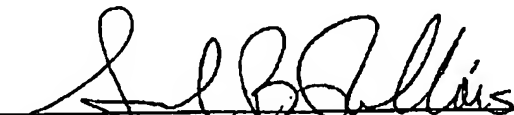
PTO/SB/87 (01-08)
Approved for use through 04/30/2008. DMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on April 30, 2008
Date


Signature

Samuel B. Rollins

Typed or printed name of person signing Certificate

52,180

Registration Number, if applicable

336-841-0300 Ext. 159

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- * Letter Requesting Refund
- * Decision on Petition mailed April 14, 2008
- * January 2007 Monthly Statement of Deposit Account (50-4060)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2



At the frontier of translating innovative science into medicine

April 30, 2008

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Re: Request for Refund to Deposit Account No. 50-4060

Dear Sir:

In accordance with the Decision on Petition mailed April 14, 2008 for application Serial No. 10/091,759, Applicant respectfully requests that the \$510.00 extension of time fee submitted with the response filed on January 22, 2007 be refunded to Applicant's Deposit Account No. 50-4060.

Included with this request is a copy of the Decision on Petition issued by the United States Patent and Trademark Office along with a copy of the monthly statement of deposit account as reference that the \$510.00 was paid.

Respectfully submitted,

Samuel B. Rollins
Vice President of Intellectual Property

4170 Mendenhall Oaks Pkwy • High Point, NC 27265
Phone: (336) 841-0300 • Fax: (336) 841-7020 • www.tpharma.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cynthia B. Rothschild
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of
Adnan M. M. Mjalli *et al.*
Application No. 10/091,759
Filed: March 05, 2002
Attorney Docket No. 41305-271123

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 21 December 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to a non-final Office action mailed on 19 July 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on 20 October 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response under 37 CFR 1.111 submitted on 22 January 2007, (2) the petition fee of \$770.00, and (3) a proper statement of unintentional delay.

Since this application was abandoned for failure to timely reply to the non-final Office action of 19 July 2006 within the extendable six month period provided therefor, the Examiner had no procedural authority with respect to the abandoned application. See *Lorenz v. Finkl*, 333 F.2d 885, 891, 142 USPQ 26, 30 (CCPA 1964). Therefore, the examiner was without authority to act further in the case absent a grantable petition reviving the application. Nevertheless, in view of this decision on petition, the subsequent action taken by the examiner, i.e., mailing of a Notice of Allowability and Notice of Allowance and Issue Fee Due, has been ratified. In view thereof, it is unnecessary to either vacate or remail the Notices of 17 October 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510.00 extension of time fee submitted with the petition on 22 January 2007 was subsequent to the maximum extendable period for reply, petitioner may request a refund of

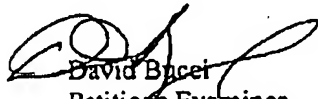
Application No. 10/091,759

Page 2

this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Allen C. Ho at (571) 272-6052.


David Bucci
Petitions Examiner
Office of Petitions

Cc:
Samuel B. Rollins
4170 Mendenhall Oaks Pkwy
High Point, NC 27265



UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion
with your check. Make checks payable to "Director of the USPTO."

TRANSTECH PHARMA, INC. - RAGE ACCOUNT FINA
SAMUEL B. ROLLINS
4170 MENDENHALL OAKS PARKWAY
HIGH POINT NC 27265

Account No.
504060
Date
1-31-07
Page
1

PLEASE SEND REMITTANCES TO:
U.S. Patent and Trademark Office
P.O. Box 371279
Pittsburgh, PA 15251-7279

Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
1	24	07	65	10091759	41305/271123	2253	510.00	4290.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE		TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE	
			4800.00		510.00	0.00	4290.00	

M5020D (5/2006)

*** O.D. INDICATES OVERDRAWN

**APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
FY 2005**

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

TTP 2001-21

Application Number 10/091,759

Filed March 5, 2002

For Carboxamide Derivatives as Therapeutic Agents

Art Unit 1621

Examiner Puttlitz, Karl J.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$_____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$_____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	<u>\$510.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$_____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$_____

☐ Applicant claims small entity status. See 37 CFR 1.27.☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, toDeposit Account Number 50-4060. I have enclosed a duplicate copy of this sheet.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 52,180☐ attorney or agent under 37 CFR 1.34.

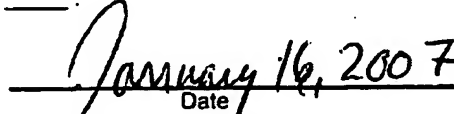
Registration number if acting under 37 CFR 1.34. _____



Signature

Samuel B. Rollins

Typed or printed name



Date

336-841-0300 Ext. 159

Telephone Number

NOTE: Signatures of all the Inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 05/07/2008 SDIRETA1
01/24/2007 AHONDAF1 00000057 504060 10091759
01 FC:2253 510.00 CR

10091759

01/24/2007 AHONDAF1 00000057 504060

01 FC:2253 510.00 CR

